

NEPA Reform Comments
2-6-05

I am an Adjunct Instructor at Butler University in Indianapolis, Indiana and a graduate candidate in Anthropology at Indiana University, Bloomington, Indiana.

My research concerns the way NEPA is put into practice in policy.

I write to comment on the reforms of NEPA proposed by the Pombo Task Force. I have attached my comments to this email and pasted the same comments into the body of this email.

The practice of NEPA is not perfect, and certainly some reform is necessary. However, NEPA was voted into law by the US Congress with the mandate that all decisions about actions that affect the environment would be made with very full and complete information about an action's impact, present and future, on the environment. The CEQ Guidance in 40CFR affirmed that purpose and also mandated significant public involvement in NEPA decisions. Several of the proposed reforms devastate the substance of these mandates.

Proposal 1.2 will allow agencies to delay the NEPA process until the deadline, and then declare their analysis concluded, without having to finish a full and complete NEPA analysis. This provision is therefore not acceptable.

Proposal 5.1 limits the "reasonable alternatives" to those supported by feasibility and engineering studies. This would require citizen groups to fund expensive, unnecessary studies, while industries and businesses can fund the studies that they choose. This change is unnecessary and unacceptable.

Proposal 4.1 limits the ability of the public to challenge decisions that impact public health and the environment. It allows an agency to rest on incomplete information, and restricts the public process. This proposal is not acceptable.

Proposal 5.2 mandates that agencies reject the "no action alternative" according to a new, vague and undefined test. This provision limits the lead agency's ability to make independent decisions based on full and complete data. Proposal 5.2 is not acceptable.

Proposal 8.1, to change NEPA to clarify how agencies evaluate the effect of past actions could allow agencies to minimize or ignore the impacts of prior actions. It is not acceptable.

Thank you,

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